

Stephen J. Estey (SBN 163093)
R. Michael Bomberger (SBN 169866)
Angela J. Nehmens (SBN 309433)
ESTEY & BOMBERGER, LLP
2869 India Street
San Diego, CA 92103
Tel: (619) 295-0035
Fax: (619) 295-0172
Email: steve@estey-bomberger.com
Email: mike@estey-bomberger.com
Email: angela@estey-bomberger.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

MDL No. 3084 CRB

SHORT FORM COMPLAINT

JURY TRIAL DEMANDED

This Document Relates to:

Judge: Hon. Charles R. Breyer

JANE DOE EB 2 v. UBER TECHNOLOGIES, INC., et al. Case No. 3:23-CV-05870

SHORT-FORM COMPLAINT AND DEMAND FOR JURY TRIAL

The Plaintiff named below files this *Short-Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff incorporates by reference the allegations contained in *Plaintiffs' Master Long-Form Complaint in In Re: Uber Technologies, Inc., Passenger Sexual Assault Litigation*, MDL No. 3084 in the United States District Court for the Northern District of California. Plaintiff files this *Short-Form Complaint* as permitted by Pretrial Order No. 11 of this Court.

Plaintiff selects and indicates by checking-off where requested, the Parties and Causes of Actions specific to this case.

Plaintiff, by and through their undersigned counsel, allege as follows:

I. DESIGNATED FORUM¹

1. Identify the Federal District Court in which the Plaintiff would have filed in the absence of direct filing: Northern District of California ("Transferee District Court").

II. IDENTIFICATION OF PARTIES

A. PLAINTIFF

1. *Injured Plaintiff*: Name of the individual who alleges they were sexually assaulted, battered, harassed, or otherwise attacked by an Uber driver with whom they were paired while using the Uber platform: Jane Doe EB 2 ("Plaintiff").
2. At the time of the filing of this *Short-Form Complaint*, Plaintiff resides at: Fort Myers, Florida; Lee County
3. (If applicable) INSERT NAME OF REPRESENTATIVE, CAPACITY, BASIS OF AUTHORITY N/A

B. DEFENDANT(S)

1. Plaintiff names the following Defendants in this action.
 - ☒ UBER TECHNOLOGIES, INC.;²
 - ☐ RAISER, LLC.;³
 - ☐ RAISER-CA, LLC.⁴
 - ☐ OTHER (specify): _____. This defendant's residence is in (specify state): _____.

¹ See Pretrial Order No. 6, at II(C) (ECF No. 177).

² Delaware corporation with a principal place of business in California.

³ A limited liability company whose sole member, Uber Technologies, Inc., is a citizen of Delaware and California.

⁴ A limited liability company whose sole member, Uber Technologies, Inc., is a citizen of Delaware and California.

C. RIDE INFORMATION

1. The Plaintiff was sexually assaulted, harassed, battered, or otherwise attacked by an Uber driver in connection with a ride facilitated on the Uber platform in Fort Myers, Florida on December 4, 2022.
2. The Plaintiff was the account holder of the Uber account used to request the relevant ride.
3. The Plaintiff provides the following additional information about the ride:
 - ✓ The Plaintiff hereby incorporates Plaintiff's disclosure of ride information produced pursuant to Pretrial Order No. 5 on February 14, 2024.
 - The origin of the relevant ride was [STREET ADDRESS, CITY, COUNTY, STATE]. The requested destination of the relevant ride was [STREET ADDRESS, CITY, COUNTY, STATE]. The driver was named [DRIVER NAME].

III. CAUSES OF ACTION ASSERTED

1. The Causes of Action asserted in the *Plaintiffs' Master Long-Form Complaint*, and the allegations with regard thereto in the *Plaintiffs' Master Long-Form Complaint*, are adopted in this *Short-Form Complaint* by reference, except that Plaintiff opts out of and excludes the causes of action specified below:

Check any EXCLUDED Causes of Action	Cause of Action Number	Cause of Action
	I	NEGLIGENCE (including Negligent Hiring, Retention, Supervision, and Entrustment)
	II	FRAUD AND MISREPRESENTATION
	III	NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
	IV	COMMON CARRIER'S NON-DELEGABLE DUTY TO PROVIDE SAFE TRANSPORTATION ⁵

⁵ This claim is pleaded in the *Plaintiffs' Master Long-Form Complaint* under the laws of every state **except: Arizona, Colorado, District of Columbia, Illinois** (for incidents prior to August 11, 2023), **Michigan, Montana** (for incidents prior to April 23, 2023), **New York, Pennsylvania, Wisconsin, and Wyoming**.

	V	OTHER NON-DELEGABLE DUTIES TO PROVIDE SAFE TRANSPORTATION ⁶
	VI	VICARIOUS LIABILITY FOR DRIVERS' TORTS - EMPLOYEE
	VII	VICARIOUS LIABILITY FOR DRIVERS' TORTS - APPARENT AGENCY
	VIII	VICARIOUS LIABILITY FOR DRIVERS' TORTS - RATIFICATION
	IX	VICARIOUS LIABILITY FOR DRIVERS' TORTS-Cal. Public Utilities Code § 535
	X	STRICT PRODUCTS LIABILITY - DESIGN DEFECT
	XI	STRICT PRODUCTS LIABILITY - FAILURE TO WARN
	XII	STRICT PRODUCTS LIABILITY - PRODUCT LIABILITY ACTS
	XIII	UNFAIR COMPETITION LAW - Cal. Bus. & Prof. Code § 17200 et seq.

IV. ADDITIONAL CAUSES OF ACTION AND/OR ALLEGATIONS

1. Plaintiff asserts the following additional theories against the Defendants designated in paragraph above: N/A
2. If Plaintiff has additional factual allegations not set forth in *Plaintiffs' Master Long-Form Complaint*, they may be set forth below or in additional pages: N/A

WHEREFORE, Plaintiff prays for relief and judgment against Defendants for economic and non-economic compensatory and punitive and exemplary damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper, and such further relief as the Court deems equitable and just, and as set forth in Plaintiffs' Master Long-Form Complaint.

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all claims in this action.

DATED: April 8, 2024

Respectfully Submitted,

ESTEY & BOMBERGER, LLP

/S/ Angela Nehmens, Esq.

Stephen J. Estey

Angela J. Nehmens

Attorney for Plaintiffs

⁶ This claim is pleaded in *Plaintiffs' Master Long-Form Complaint* under the laws of every state except: District of Columbia, Michigan, New York, and Pennsylvania.

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2024, I electronically filed the above document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of the filing to all counsel of record.

By: /S/ Nicole Stoneman